The George Washington University
WASHINGTON DC

THE PRESIDENT

TO: Lilien F. Robinson

FROM: Stephen J. Trachtenberg

SUBJECT: Faculty Senate Resolutions/1997-98 Session

DATE: July 15, 1998

Lilien: I have your memorandum of April 15 providing a roster of resolutions acted upon by the Faculty Senate during the 1997-98 session. As you requested, I am pleased to attach the response of the Administration to these resolutions for inclusion in the Faculty Senate Annual Report.

Steve Trachtenberg

SJT/hdi
Attachment

Resolutions 1997-98 Session

Resolution No.	Date of Meeting	Title of Resolution	Action	Response of administration
97/1	5/9/97	A Resolution to Amend the Bylaws of the Faculty Senate	Referred, 5/9/97	Referred to Professional Ethics and Academic Freedom Committee --We concur with the Senate that paragraph 3 of Res. 97/1 may be problematic and agree in the referral for further consideration to the Professional Ethics and Academic Freedom Committee
97/2	5/9/97	A Resolution to Re-Affirm the Policy on Conflict of Interest for Faculty Members of The George Washington University and to Endorse the Procedures for Review of Possible Faculty Conflicts of Interest	Adopted, as amended 5/9/97	See 97/6 below
97/3★	5/9/97	A Resolution Regarding Nondiscrimination	Adopted, 5/9/97	Agreed. Board approved on 5/14/99.
97/4	5/9/97	A Resolution Expressing Support of Proposed Changes in the Policies of the Gelman Library Regarding Access and Circulation	Adopted, as amended 5/9/97	Agreed
97/5★	11/14/97	A Resolution to Provide Procedural Guidance on Extended Unpaid Leaves of Absence	Adopted, 11/14/97	Agreed Board approved on 5/14/99.

★. Code amendments

Resolutions 1997-98 Session

Resolution No.	Date of Meeting	Title of Resolution	Action	Response of administration
97/6	2/10/98	A Resolution to Endorse a University Policy on Conflicts of Interest	Adopted, 2/10/98	Agreed
97/7	12/12/97 1/16/98	A Resolution on Interdisciplinary Programs (Same resolution as above)	Referred, 12/12/97 Adopted, as amended, 1/16/98	Referred to Professional Ethics and Academic Freedom Committee--Agreed as amended, 1/16/98
97/8★	1/16/98	A Resolution on Tenure by Default (See Substitute Resolution 98/7 adopted February 5, 1999, by the Faculty Senate and approved by the Board of Trustees February 12, 1999.	Adopted, as amended, 1/16/98	Agreed in principal on a provisional basis, subject to further action by the Senate on clarifying language proposed by the Board of Trustees. A response to the Board of Trustees is expected by the Trustees in time for their consideration at the October, 1998 Board of Trustees meeting
97/9	2/10/98	A Resolution Regarding the Role of the Ad Hoc Committee on the Mount Vernon Campus of The George Washington University	Adopted, 2/10/98	Agreed

★ - Code amendment

Resolutions 1997-98 Session

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97/3	5/9/97	A Resolution Regarding Nondiscrimination	Adopted, 5/9/97	
97/4	5/9/97	A Resolution Expressing Support of Proposed Changes in the Policies of the Gelman Library Regarding Access and Circulation	Adopted, as amended 5/9/97	
97/5	11/14/97	A Resolution to Provide Procedural Guidance on Extended Unpaid Leaves of Absence	Adopted, 11/14/97	

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97/8	1/16/98	A Resolution on Tenure by Default	Adopted, as amended, 1/16/98	
97/9	2/10/98	A Resolution Regarding the Role of the Ad Hoc Committee on the Mount Vernon Campus of The George Washington University	Adopted, 2/10/98	

A RESOLUTION TO AMEND THE BYLAWS OF THE FACULTY SENATE (97/1)

WHEREAS, Members and Committees of the Faculty Senate must have the freedom to exercise their independent judgments when discharging the legislative and oversight responsibilities conferred on them by the Faculty Organization Plan; and

WHEREAS, Members and Committees of the Faculty Senate may be questioned by their constituents for any perceived failure to comply with Senate rules and procedures, and

WHEREAS, the Faculty Organization Plan does not now provide for hearing such complaints; and

WHEREAS, the full Senate, as the parent body, is the proper forum for hearing and disposing of such complaints, NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Senate Bylaws be amended by adding the following as subsection (d) to Section 7. Debates:

(1) At the end of general business at a regular meeting, any member of the faculty may bring to the attention of the Senate any action by a member or a committee of the Senate that he or she believes to be a failure to follow Senate rules or procedures.

(2) The Senate will recommend an appropriate remedy should ~~a violation~~ <u>such a failure</u> be found to have occurred.

(3) In no instance may such action be the subject of a grievance as defined by the <u>Faculty</u> <u>Code</u>.

Special Committee
April, 1997

Referred to the Committee on Professional Ethics and Academic Freedom, May 9, 1997

10 April 1997

Report of the three-person special committee charged by Resolution (96/9) to draft language to amend the Senate Bylaws in ways that define the responsibilities of elected Senate Members and Senate Committees whose actions may be questioned.

This Special Committee has its origin in a faculty member's attempt to assert a grievance against the Executive Committee alleging that the Committee did not adhere to correct procedures in a grievance case against that member.

Without addressing the merits of this allegation, the Special Committee sought to determine whether a distinction might be drawn between an alleged injury to rights of a personal or professional nature (for which the Code provides formal remedies), and a complaint based on an allegation of procedural violations by a member or a Committee of the Senate (for which the Senate itself should provide a remedy).

Central to this inquiry was the question of whether a Committee (or a member) of the Senate could or should be subject to formal grievance proceedings for actions taken in pursuance of those legislative and oversight responsibilities with which they are charged by the Faculty Organization Plan.

Although the Special Committee can envision a "procedural violation" so grave as to affect rights of a personal or professional nature, it concludes that in most instances, allegations of procedural violations come under the heading of complaints which the Senate itself should deal with and should not be grievable under the Code. In support of this conclusion, the Committee cites two principles:

(1) that to preserve their independence, the elected members of faculty governance should not be held answerable for actions which are procedurally correct.

(2) that as a public body whose constituents have a right to question whether a member of the Senate or Committee of the Senate has properly followed Senate rules or procedures, the full Senate is the proper forum for raising such questions.

Thus, the first resolving clause offers a place in the agenda of regular Senate meetings for persons who may wish to raise such questions. By implication, the Senate may take whatever consequent actions are permitted to self-governing bodies, including those which, in the instance of an adverse finding, might take the form of disciplining its membership.

The third resolving clause may go too far in according immunity to Senate members and committees. The Special Committee believes that a thorough debate on the merits of this clause on the floor of the Senate will determine its advisability.

The Special Committee notes, in passing, that although the Faculty Organization Plan accords certain "legislative" functions to the Senate, the Plan makes no mention of what might be called the "administrative judicial" functions which an evolving Faculty Code has thrust upon it. The Committee refers specifically to the Executive Committee's Code-mandated dealings with grievance mediators and the membership of the Dispute Resolution Committee. This relationship, though seemingly perfunctory, contains certain imprecisions and has a potential for the Executive Committee's crossing the line between administering and passing judgment. We believe that the Special Committee, chaired by Professor Cheh and charged to propose revisions to the Code's grievance procedures, should consider ways to distance the Senate from those procedures.

Respectfully submitted:

Christopher J. Deering
Peter P. Hill
Harry E. Yeide

THE GEORGE WASHINGTON UNIVERSITY

FACULTY SENATE

A RESOLUTION TO RE-AFFIRM THE POLICY ON CONFLICT OF INTEREST FOR FACULTY MEMBERS OF THE GEORGE WASHINGTON UNIVERSITY AND TO ENDORSE THE PROCEDURES FOR REVIEW OF POSSIBLE FACULTY CONFLICTS OF INTEREST (97/2)

WHEREAS the Board of Trustees of The George Washington University requested that the Faculty Senate draft a Conflict of Interest Policy for review by the Academic Affairs Committee at its February 14, 1997 meeting; and

WHEREAS a reconstituted special faculty committee was elected by the Faculty Senate at its November 15, 1996 meeting; and

WHEREAS the special faculty committee has presented its report to the Faculty Senate at its meeting on May 9, 1997; **NOW THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. **That the existing Policy on Conflict of Interest, as endorsed by Resolution 89/6, and subsequently adopted by the Board of Trustees be re-affirmed; and**

2. **That the Senate endorse the attached Procedures for Review of Possible Faculty Conflicts of Interest, <u>as amended.</u>**

Special Committee of the Faculty Senate on Policy on Conflict of Interest
R.J. Harrington, April 29, 1997

Adopted, as amended, May 9, 1997

THE GEORGE WASHINGTON UNIVERSITY

FACULTY SENATE

AD HOC COMMITTEE ON 'A CONFLICT OF INTEREST POLICY FOR FACULTY'

Final Report

I. Composition of the Committee

The committee was comprised of the following faculty members:
Professors J. Cordes (CSAS), M. Elgart (SMHS), R. Harrington, (Chair), (SEAS), G. Johnston (GWLS), T. Morgan (GWLS), R. Mueller (GSEHD), J. Pelzman (ESIA), L. Robinson (CSAS) & P. Wirtz (SBPM)
This was a re-constituted committee as elected at the Faculty Senate meeting of November 15, 1996. The members of the committee had all been members of the original joint faculty and administration committee previously constituted during the 1995/96 Academic year. This original committee had been established by Faculty Senate Resolution (95/5)

II. Charge of the Committee

The committee was charged with developing a Conflict of Interest Policy for Faculty.

III. Recommendations of the Committee

The committee saw its charge as in two separate tasks viz:

(a) Develop a Conflict of Interest Policy for all Faculty at the University consistent with the Conflict of Interest Policies for the Board of Trustees and for Members of the Administration already in force or proposed.
(b) Develop a set of Procedures for Review of Possible Faculty Conflicts of Interest consistent with the Conflict of Interest Policy, developed as in (a).

After much discussion, and based on previous deliberations of the Joint Administration/Faculty committee, it was agreed to continue with the existing Conflict of Interest Policy in force from the adoption on January 19, 1990 of the Faculty Senate Resolution 89/6. The Policy on Conflict of Interest referred to in that resolution is included with this report as Appendix I.

The question of Procedures for Review was then taken up by the committee which requested Professor Morgan of the GW Law School, a member of the committee and a recognized expert on legal issues relating to Conflicts of Interest, to draft a set of Procedures. At a subsequent meeting, Professor Morgan's draft was discussed. The committee endorsed the draft and requested the Chair to communicate with the Academic Affairs Committee of the Board of Trustees for their reaction to the draft. The chair, at the invitation of the Chair of the Academic Affairs committee of the Board of Trustees, Mr. E. Grebow, provided the Board of Trustees with a copy of the draft Procedures and made a presentation to the Academic Affairs Committee. Subsequently, the chair received a brief written statement from the Academic Affairs commmittee of the Board commenting on the draft Procedures which the committee then deliberated on. A new document, herewith attached as Appendix II of this report, which this committee proposes as 'Procedures for Review of Possible Faculty Conflicts of Interest', was produced as a result of the comments made by the Board of Trustees.

APPENDIX I

A POLICY ON CONFLICT OF INTEREST

Conflicts of interest are a universal fact of life; they occur when the fulfillment of an obligation, commitment, or responsibility makes it difficult or impossible to fulfill other obligations, commitments, or responsibilities. They obviously may differ in extent or degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable.

A cornerstone for understanding must include the principle that "...faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University" [FC III F]. At the same time and of no less importance is a faculty member's responsibility to further his/her own professional development and the goals of his/her professional discipline. Under normal circumstances a faculty member's participation in the activities of governmental, industrial, and professional institutions is consistent with the academic interests of the University as well as those of the faculty member.

The activities of the faculty shall be conducted in a manner that avoids conflicts of interest. There are at least four types of conflicts of interest that may require review; these occur when:

1) the University is deprived of the appropriate (compensated) time and effort of the faculty member due to external commitments;

2) substantial use is made of human and material resources of the University for non-University purposes;

3) the faculty member's extra-university activities affect his/her objectivity in carrying out academic responsibilities, or compromise basic scholarly activity or freedom of action; and

4) the University is deprived of its appropriate potential financial gain.

Examples of the various types of conflicts of interest noted above include the following:

1. Conflicts of interest that may arise from time/effort considerations:

a) exceeding the equivalent of the "one day a week" rule allowed by the Faculty Handbook;
b) accepting obligations that regularly conflict with

scheduled classes or other academic responsibilities.

2. Conflicts of interest that may involve misallocation of University resources:

a) using University equipment, supplies, personnel, and other facilities and resources for activities that yield financial benefit to the faculty member and not the University;

b) when outside financial incentives distort scholarly activity or the shaping of academic goals.

3. Conflicts of interest that may arise and may impair objectivity:

a) receiving support from an institution in which the faculty member or a close friend or relative has a substantial financial interest;

b) hiring of a family member or of a student enrolled in his/her course;

c) entering into an agreement that precludes normal scholarly publication or public discussion;

d) when a faculty member has a relationship (as, e.g., consultant, advisor, owner, or shareholder) to an outside organization that is conducting business with the University.

4. Conflicts of interest that may arise from the University's loss of appropriate financial benefits:

a) when a faculty member seeks to obtain research support in a manner that substantially undermines the responsibilities of the Office of Sponsored Research;

b) whenever an outside commitment provides to an individual or organization other than the university for intellectual or tangible property rights in the way of patent ownership or licensing that ought to accrue to the University.

Although the examples given above describe conflicts a faculty member may voluntarily face, consideration needs to be given to conflicts that may arise from pressures of the University. Two examples are:

a) A faculty member who has summer research support might inadvertently be asked to devote substantial time to non research activities (e.g.curriculum revision) and still be expected to sign a declaration (e.g., a government form) that 100% of his/her time was spent on the research project.

b) In its effort to increase the financial well being of the institution, the University might encourage the pursuit of activities that will generate

income from contracts at the expense of freely chosen disinterested research and scholarship.

Because these boundaries are fated to be somewhat arbitrary and vague, it seems prudent to establish an approach that has two essential elements:

(1) utilizing normal channels, faculty are encouraged to report and to seek guidance concerning significant potential conflicts of interest in order to ensure that the interests of the faculty member, his/her profession, and the University are best served; and

(2) recognizing that each school, college, or other unit has shared and unshared areas where conflicts may occur, each unit should devise an appropriate mechanism to review and to resolve any lack of agreement arising from the disclosure of potential or actual conflicts of interest.

Professional Ethics and Academic Freedom Committee
November 13, 1989

APPENDIX II

PROCEDURES FOR REVIEW OF POSSIBLE FACULTY CONFLICTS OF INTEREST

These procedures are designed to implement the Policy on Conflict of Interest adopted by the Faculty Senate of the George Washington University on January 19, 1990, which ended:

> 'Because these boundaries [between permitted and prohibited activity] are fated to be somewhat arbitrary and vague, it seems prudent to establish an approach that has two essential elements:
>
> '(i) utilizing normal channels, faculty are encouraged to report and to seek guidance concerning potential conflicts of interest in order to ensure that the interests of the faculty member, his/her profession, and the University are best served; and
>
> '(ii) recognizing that each school, college, or other unit has shared and unshared areas where conflicts may occur, each unit should devise an appropriate mechanism to review and to resolve any lack of agreement arising from the disclosure of potential or actual conflicts of interest.'

I. Reporting of Faculty Activities and Acknowledgment They Present No Conflict of Interest

9/97 Amendment

A. Any faculty member who believes his or her outside activities present a significant conflict of interest, or a significant potential conflict of interest, within the meaning of the Policy on Conflict of Interest adopted by the Faculty Senate of the George Washington University on January 19, 1990 shall describe those past or proposed activities in a memorandum sent to the Dean of the faculty member's school.[1] If the Dean determines that the conduct will not or does not violate the Policy on Conflict of Interest, the faculty member shall be informed that the conduct is approved. A copy of the approval shall also be sent to the Vice President of Academic Affairs. A description of the type of conduct approved shall be made available in a form designed to give guidance to the faculty generally, but the faculty member receiving the approval shall not be identified.

B. Such approval by the Dean shall protect the faculty member from School or University discipline for any conduct within the scope of conduct described in the memorandum. If the Faculty Code is later amended to establish a general policy that prohibits the conduct, no sanction may be imposed for previously approved conduct engaged in before that new policy was adopted, made generally known, and put into effect.

C. It is not the object of this review process to discourage outside activities by faculty members that do not present a conflict of interest. Instead, this process is designed both to allow faculty members to undertake permissible activities without concern about later criticism and to give the University accurate information about the scope and nature of those faculty activities.

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[1] In Schools organized by Departments, the Dean may delegate the Dean's authority and responsibilities under these procedures to Department Heads. In Schools where that delegation has been made, the term 'Dean' in these procedures should be understood to mean 'Department Head.'

II. Procedures for Resolving Disputes About Whether Conduct Constitutes a Conflict of Interest

A. If a Dean learns, whether from a faculty member's memorandum or otherwise, of conduct that the Dean believes presents a significant question about possible violation of the Policy on Conflict of Interest,, the dean should discuss the conduct with the faculty member. If after that discussion, the Dean is still not sure the conduct is proper, the faculty member shall cease the conduct or seek a review of the matter by the School's Conflicts Consultation Committee.

B. A School's Conflicts Consultation Committee shall be comprised of at least five faculty members of the School, elected by the faculty of the School. The function of the Committee shall be to (1) conduct a hearing if necessary to make written findings about any disputed facts, and (2) to write a reasoned opinion whether the conduct constitutes a conflict of interest.

C. Either the Dean ~~of~~ or the faculty member may consult a member of the Conflicts Consultation Committee informally before the matter is referred to it to discuss whether a given activity would constitute a conflict of interest, but no such informal advice should be binding on any party to the process described above. The Committee member so consulted shall not participate in the hearing or decision.

5/9/97 Amendment

D. If either the faculty member or the Dean is dissatisfied with the School's Conflicts Consultation Committee's opinion in B above, that determination may be appealed to the University Conflicts Resolution Panel which shall be comprised of two faculty members from each School elected by faculty of that school from among those who who also serve on the School's Committee.

E. The University Conflicts Resolution Panel shall be bound by the factual findings of the School Conflicts Consultation Committee unless the School Committee clearly failed to consider important facts submitted to it. In other words, there ordinarily should be no new Hearing before the University Panel and no augmenting of the factual record.

F. Members of the University Conflicts Resolution Panel from the School from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members of the University Panel shall be permitted as to the matter that has been or may be brought before the Panel.

5/9/97 Amendment

G. The University Conflicts Resolution Panel shall render its report to the affected faculty member and the Dean, and to the Vice President for Academic Affairs. To the extent the decision is in favor of the faculty member, the University shall not sanction the conduct, except insofar as the conduct is continued thereafter being specifically prohibited by a duly-adopted Amendment to the Faculty Code. The University Conflicts Resolution Panel shall make a report to the Faculty Senate annually.

H. To the extent that that University Conflicts Resolution Panel's decision confirms that a faculty member's conduct has violated the Policy on Conflict of Interest any sanction imposed by the Vice President for Academic Affairs must be consistent with the substantive and procedural requirements of the Faculty Code.

A RESOLUTION REGARDING NONDISCRIMINATION (97/3)

WHEREAS, as a matter of stated policy, The George Washington University does not discriminate on the basis of sexual orientation; and

WHEREAS, The George Washington University is subject to the District of of Columbia Human Rights Law, which proscribes discrimination on the basis of sexual orientation; and

WHEREAS, the Faculty Code does not explicitly address discrimination on the basis of sexual orientation; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the words, "sexual orientation" be inserted in Section IV.E. (page 10) of the Faculty Code to read as follows:

E. Nondiscrimination

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, sexual orientation, national origin, or other considerations prohibited by law.

Professional Ethics and Academic Freedom Committee
April 25, 1997

Adopted May 9, 1997

A RESOLUTION EXPRESSING SUPPORT OF PROPOSED CHANGES IN THE POLICIES OF THE GELMAN LIBRARY REGARDING ACCESS AND CIRCULATION. (97/4)

WHEREAS, the growth in the use of the facilities and services of the Gelman Library by persons not affiliated with the University has significantly burdened the capacity of the Library, lowering the level of service it can provide to the GW community; and

WHEREAS, the reasonable availability of the collection to all users is not sufficiently protected by present circulation policies; and

WHEREAS, the University Librarian and his staff have addressed these problems by drafting revised policies on access to the facility and circulation of the collection, which revised policies are attached to this resolution; and

WHEREAS, the implementation of these policies will be facilitated by the support of the faculty as expressed by its elected representatives, NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Senate supports the new policies regarding access to the Gelman Library and the circulation of its collection provided that methods of notification are made adequately timely and effective.

Libraries Committee
April 25, 1997

Adopted, as amended, May 9, 1997

PROPOSED GELMAN LIBRARY ACCESS POLICY

March 1997

Background

Over the last several years, Gelman Library has experienced a steady growth in demand for both public services and access to the collection. One element of that growth has been increased use by the general public; that is, by persons not affiliated with GW. For instance, in the first half of FY 97 (July-December 1996), 37,757 non-GW persons entered Gelman, suggesting a projected estimated total for the year of more than 75,000 individuals.

Under current Gelman Library policy, anyone showing a photo identification of any sort is allowed to enter the building. Building Operations staff, who have responsibility for the Guard's Desk at the main entrance, spend an inordinate amount of time handing out passes to non-GW users, rather than focusing on the important duty of monitoring individuals and books exiting the building.

Once inside the building, these non-GW individuals have access to almost the same array of resources as any member of the GW faculty or student body. Although they are not allowed to check out books, they can use periodicals, reference books, the main circulating collection, photocopiers and many electronic resources. Non-GW users place an extra burden on photocopiers, microfilm readers and computer terminals, which in turn increases maintenance costs and machinery down time. They can also obtain service from librarians at the Reference Desk, Information Desk and Periodicals Desk. Because of the overall increase in demand for reference and information services, GW students and faculty seeking assistance at the Reference and Periodicals Desks frequently must compete with non-GW users for attention from the librarians on duty.

In recent years, several Gelman staff and users have been victims of thefts, at least some of which, according to the police, have been conducted by non-GW persons. With the introduction of the One-Card system on campus (scheduled for Fall 1997), Gelman will have the potential to improve control over who enters the building. As an urban university library, Gelman needs the security provided by limiting access to the building.

Recommendation

For all of these reasons, it is recommended that Gelman Library's policy be changed to limit access to the following groups:

* GW students, faculty, staff and alumni
* Visitors sponsored by GW faculty and staff (including National Security Archives)
* Family members of GW faculty and staff
* Washington Research Library Consortium students, faculty and staff
* Friends of the University Libraries

* School Without Walls and Anacostia High School students (accompanied by teachers)
* Foggy Bottom Assn. and West End Assn. members
* OCLC reciprocal borrowing program participants
* General public users of the Government Documents collection

Non-GW persons would be encouraged to use Gelman's fee-based research and document service (GLIS).

GELMAN LIBRARY
Circulation Services Department

PROPOSED CHANGES TO CIRCULATION POLICIES

Effective customer service depends in large measure on the Library's ability to satisfy the different needs of its various users and ensure equitable access to its collections. To this end, Gelman Library proposes the following circulation policy changes which will be tested as a pilot project this summer. If the pilot project is successful, the Library expects to implement them permanently beginning with the Fall 1997 semester.

I. LOAN PERIODS

A. Faculty

Current Policy: **3 months with a rolling due date** [i.e., 3 months from the date it is charged out]

Proposed Policy: **1 semester with a fixed due date**
Example: all books taken out during the Fall semester will be due December 15; Spring semester, May 15. Books may be renewed, however, two weeks prior to these due dates, extending the loan period for another semester.

B. Graduate Students

Current Policy: **3 weeks with a rolling due date**

Proposed Policy: **1 semester with a fixed due date**

C. Undergraduate Students and All Others

Current Policy: **3 weeks with a rolling due date**

Proposed Policy: **6 weeks with a fixed due date**

II. RENEWALS

Current Policy: **Unlimited renewals provided there are no "holds" or "recalls" on the books**

Proposed Policy: **No change, except that books may be renewed for the next extended loan period 2 weeks before the due date**

III. OVERDUE BOOKS

Current Policy

Faculty: For books not returned or renewed, faculty receive overdue notices, but are not fined until delinquent book is overdue 30 days, at which point the book is considered "lost." Faculty are then charged the replacement cost of the book and a $25 processing fee. If "lost" book is returned, all fees are waived.

Undergraduates, graduate students and all others: Subject to overdue book fines of 50 cents/day/book to a maximum fine of $15/book. The first 3 days after due date are grace period (no fines applied until 4th day). Books not returned or renewed within 30 days after the due date are declared "lost." Students are billed for overdue book fines, lost book charges and a processing fee of $25/book, and they are blocked from further borrowing. If unpaid, a charge is placed on their university account.

Proposed Policy:

Faculty: No change, except that, after 30 days, faculty borrowers will be blocked from further borrowing until book is returned and fines are paid or otherwise settled.

Undergraduates, graduate students and all others: No change.

IV. RECALLS

A. Policy (applies to all categories of users)

Current Policy: **After a book has been charged out for 3 weeks, it is subject to recall.** Borrower is notified by telephone and/or mail. Borrower has **10 days** from date of recall to return book before fines and penalties are imposed.

Proposed Policy: **After a book has been charged out for 10 days, it is subject to recall.** Borrower will be notified by telephone and/or mail. Borrower will have **10 days** from date of recall to return book before fines and penalties are imposed.

B. Recall Fines/Penalties

Current Policy: **All borrowers are fined 50 cents/day to a maximum of $15.** After 30 days, if recalled book is not returned, borrowing privileges of undergraduates, graduate students and others (non-faculty) are blocked until recalled book is returned and fine is settled. Faculty borrowing privileges are not blocked.

Proposed Policy: **Faculty, undergraduates, graduate students and all others are fined $10/day to a maximum of $300.** After 10 days, if recalled book is not returned, borrowing privileges of undergraduates, graduate students, faculty and all others will be blocked until recalled book is returned and fine is settled.

V. LIMITS ON NUMBER OF BOOKS CHARGED OUT

Current Policy:	**Faculty**	**100**
	Graduate Students	**100**
	Undergraduates	**50**
	Others	**20**
Proposed Policy:	**Faculty**	**75**
	Graduate Students	**50**
	Undergraduates	**25**
	Others	**20**

VI. RESERVES

Current Policy:

Loan Periods	**2 Hours** **Overnight** **3 Days**
Fines	**$ 1.20/hour** **$30 Maximum** **$ 2/day (3-day loans)**

Proposed Policy: No change

A RESOLUTION TO PROVIDE PROCEDURAL GUIDANCE ON EXTENDED UNPAID LEAVES OF ABSENCE (97/5) with Report

WHEREAS, Article VI.A of the *Faculty Code* stipulates that "At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer"; and

WHEREAS, The *Faculty Code* is presently silent with regard to the amount of unpaid leave that may be taken consecutively; and

WHEREAS, Extended unpaid leaves of absence can sometimes interfere with the orderly execution of the faculty's primary responsibilities, particularly with respect to the supervision of doctoral candidates; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Article VI.A of the *Faculty Code* be amended as follows (language proposed for insertion is underlined):

> <u>When circumstances permit</u>, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty <u>on approval of the department or other appropriate unit (if applicable), the appropriate dean(s), and the Vice President for Academic Affairs. Except for unpaid leaves of absence taken under the Family and Medical Leave Acts, unpaid leaves shall not normally exceed two consecutive academic years, although under unusual circumstances additional unpaid leave may be granted.</u>

Committee on Appointment, Salary and Promotion Policies
October 24, 1997

Adopted November 14, 1997

FACULTY SENATE
Committee on Appointments, Salary, Promotion Policies (ASPP)

SPECIAL REPORT October 24, 1997

1. This Special Report accompanies and is intended to explain some of the background of the proposed RESOLUTION TO PROVIDE PROCEDURAL GUIDANCE ON EXTENDED UNPAID LEAVES OF ABSENCE (97/5) submitted for consideration by the Faculty Senate.

2. This issue originally arose to prominence last Fall, when the President and the Vice President for Academic Affairs asked the Executive Committee of the Faculty Senate for the advice regarding policy standards for consecutive unpaid leave. Two issues were raised: a guiding *process* for granting unpaid leave, and a guiding *principle* for determining when such leave should be granted.

3. The Executive Committee referred the matter to the Appointment, Salary, and Promotion Policy Committee, which appointed a subcommittee to investigate the matter.

4. The subcommittee solicited comments from the Faculty, and heard the concern voiced from several schools that extended consecutive unpaid leaves of absence occasionally interfered with the orderly execution of the faculty's primary responsibilities, particularly with respect to the supervision of doctoral candidates.

5. The subcommittee gathered information about the practice of other institutions on this question, and determined that the silence of the GW *Faculty Code* on the issue of consecutive unpaid leaves of absence was at variance with the faculty codes at other institutions.

6. The resulting Resolution, which accompanies this Special Report, is a SUCCESSOR to a prior Resolution which was, with the agreement of the proposers, tabled to permit time to reach greater agreement. The accompanying Resolution explicates the *process* for granting unpaid leave, and takes into account the comments and suggestions received regarding the prior Resolution.

7. As a result of its investigation and deliberations, the subcommittee proposed to the ASPP Committee the attached resolution, A RESOLUTION TO PROVIDE PROCEDURAL GUIDANCE ON EXTENDED UNPAID LEAVES OF ABSENCE (97/5).

8. After receiving (and deliberating upon) the report of the subcommittee, on April 23, 1997, the ASPP Committee voted unanimously to forward the Resolution to the Executive Committee for consideration by the Senate.

9. In recognition of the fact that the Resolution calls for a modification to the *Faculty Code*, the Executive Committee forwarded it for comment by the Professional Ethics and Academic Freedom Committee. On October 23, 1997, the PEAF Committee endorsed the resolution exactly as presented, and forwarded it back to the Executive Committee for placement on the Senate Agenda.

A RESOLUTION TO ENDORSE A UNIVERSITY POLICY ON CONFLICTS OF INTEREST (97/6)

WHEREAS, it is in the best interest of The George Washington University to have a policy on conflicts of interest; and

WHEREAS, it is desirable for both the faculty and the University to avoid, whenever possible, such problems before they occur; and

WHEREAS, the Board of Trustees of The George Washington University requested that the Faculty Senate review and make recommendations with respect to the 1997 Conflicts of Interest Policy, as revised by the Academic Affairs Committee of the Board of Trustees; and

WHEREAS, a faculty committee working with representatives of the Board of Trustees has produced the requested and further revised document; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

I. That the Senate endorses the attached policy statement on conflicts of interest; and

II. That the Senate further recommends that, upon adoption by the University, this policy be incorporated by reference in the Faculty Handbook and that this policy be printed as a separate Conflicts of Interest pamphlet for distribution to the faculty.

Executive Committee of the Faculty Senate
January 23, 1998

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Executive Committee of the Faculty Senate
January 23, 1998

Adopted February 10, 1998

Resolution 97/6
Adopted by the Faculty Senate
February 10, 1998

POLICY ON CONFLICTS OF INTEREST AND COMMITMENT

I. GENERAL STATEMENT

A. Underlying principles.

The Faculty Code states, "faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University." Of no less importance is a faculty member's responsibility to further his or her own professional development and the goals of his or her professional discipline. Normally a faculty member's participation in activities of governmental, industrial, and professional institutions is consistent with academic interests of the University and the faculty member.

Conflicts of interest may occur when there is a divergence between a faculty member's private interests and professional service to the University. Conflicts of interest differ in nature and degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable; processes for review of actual and apparent conflicts of interest; and appropriate mechanisms for management of tolerable conflicts of interest.

Faculty activities shall be conducted in a manner that avoids inappropriate conflicts of interest. As specifically described in Sections II and III, conflicts of interest may require review and oversight when:

1. the University is deprived of appropriate (compensated) time and effort of the faculty member due to external commitments (for example, when a faculty member exceeds the limitations of the "one-day-a-week" rule set forth in Section II.B.; or accepts obligations that may frequently conflict with scheduled classes or other academic responsibilities);

2. substantial use is made of human and material resources of the University for non-University purposes (for example, when a faculty member inappropriately uses University equipment, supplies, personnel, and other facilities and resources for activities that yield financial benefit to the faculty member or a third party; or receives outside financial incentives that distort scholarly activity or the shaping of academic goals; or facilitates the erroneous impression that the University endorses or is connected to an outside activity);

3. the faculty member's extra-University financial involvements affect, or reasonably appear to have a significant potential to affect, his or her academic responsibilities, or compromise basic scholarly activity or freedom of action (for example, when a faculty member hires a family member; or enters into an agreement to limit or delay the free publication, or access to the results, of sponsored research, other than according to normal University practice (as in the case of patents); or has a reportable interest in a transaction described in Section III.B.); or

4. the University is deprived of appropriate potential financial gain (for example, when a faculty member inappropriately seeks to obtain research support in a manner that substantially undermines responsibilities of the Office of Sponsored Research; or has an outside commitment that provides an individual or organization, other than the University, intellectual or tangible property rights, such as patent ownership or license rights, that ought to accrue to the University).

B. Nature of policy. Because precise boundaries are difficult to establish without reference to specific facts, it is prudent to establish a flexible, not formulaic, approach based on principles of fairness and trust. Fairness is advanced by policies firm enough to provide clear guidance and consistency, yet sufficiently flexible to accommodate diversity of discipline and unique circumstance. Trust is advanced by appropriate disclosure and discussion. In light of these principles, this Policy has two essential elements: (1) Faculty are provided a mechanism to report and seek guidance concerning significant actual, potential, and apparent conflicts of interest, thus to ensure appropriate disclosure and that the interests of the faculty member and the University are well served. To promote fairness, all faculty are required to report, as set forth in this Policy. (2) Each school shall administer in accordance with this Policy: a procedure for annual faculty disclosure of reportable actual, potential, and apparent conflicts of interest; disclosure by faculty of information pertinent to such conflicts; and a procedure for review and resolution of any lack of agreement arising from disclosure of such conflicts.

C. Obligation of University. In its promotion and administration of research and otherwise, the University shall be sensitive to prospective conflicts of interest involving faculty, including, for example, with respect to (1) the independence of faculty to determine subjects of research and scholarship and (2) enabling faculty to report accurately their time and effort.

D. "Faculty" defined. For purposes solely of this Policy, the terms "faculty" and "faculty member" are (1) as defined in the Faculty Code, pages 2 and 3 section I, subsection B items 1, 3, and 4, and also refer to (2) any other person responsible for the design, conduct or reporting of externally sponsored University research.

II. CONSULTING, OTHER PROFESSIONAL ACTIVITIES, AND RESEARCH SUPPORT FROM OUTSIDE ENTITIES

A. The merit of external involvements. Increasingly, industry and government rely on university faculties for advice. Such practical contributions from higher education institutions to the nonacademic world have provided many faculty members the opportunity to use their knowledge and talents constructively, to strengthen their competence through a greater variety of professional experiences, to enhance the faculty member's and the University's scholarly reputation, and to serve the public interest.

B. "One-day-a-week" rule. A full-time faculty member may spend the equivalent of up to one working day a week during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations. Payments for such activities are negotiated by the faculty member directly and do not involve the University. This privilege is not extended to research faculty members paid wholly from research grants or contracts, full-time physician faculty members in the Medical Center who are participants in Medical Faculty Associates, or other physician faculty members whose University contracts preclude such activities.

C. Administration of the rule. The department chair (or, where applicable, head of other pertinent academic unit) and the dean are responsible for ensuring compliance with this Policy and that no faculty member abuses this privilege. In particular, faculty involved in private income-producing activities shall not, absent prior written approval by the Vice President for Academic Affairs ("Vice President"), for such purposes substantially utilize University space or resources or the services of secretaries or other University staff, provided that this Policy does not prohibit incidental use of personal office space, local telephone, library resources, and personal computer equipment.

D. Need for written sponsored-research agreements. Before the University enters into any arrangement in which an entity outside the University provides support for research, a clearly stated written agreement should be negotiated that sets forth the faculty member's, the University's, and the external entity's expectations. Funding amounts and other financial arrangements, realistic timetables for mutually agreed objectives, and intellectual property agreements should be in writing before work begins. If the research project involves or may potentially involve a product or service with commercial potential, that prospect must be made known to all parties in advance.

III. REPORTABLE INTERESTS

A. Reportable interests (i.e., "significant financial interests") defined. This Section III and the disclosure requirements contained in Section IV apply only to transactions and relationships, described in Section III.B, that involve a faculty

member or immediate family member, the University, and an outside entity. For purposes of this Policy, "immediate family member" means spouse and dependent children, and "significant financial interest" means (1) any stock, stock option, or similar ownership interest in the outside entity by the faculty member that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the faculty member nor an immediate family member exercises control; or (2) receipt, individually or collectively by a faculty member and immediate family members, of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or (3) that the faculty member or immediate family member provides services as a principal investigator for, or holds a management position in, an outside entity.

B. Transactions covered. Before the University enters into any of the following arrangements, and annually thereafter, a faculty member described in paragraphs 1-5 below must submit to the school dean a written disclosure of any current or pending relationship of such faculty member or immediate family member with the outside entity, the relationship of the proposed University activity to the entity, and means by which the faculty member will ensure separation of his or her University role from the faculty member's or immediate family member's role or interest in the entity:

1. Gifts to the University of cash or property that will be under the control, or will directly support the teaching or research activities, of a faculty member from an outside entity in which the faculty member or immediate family member has a significant financial interest;

2. sponsored-project proposals as to which the involved faculty member or immediate family member has a significant financial interest in the proposed sponsor or in a proposed subcontractor, vendor or collaborator;

3. University technology-licensing arrangements with an outside entity in which the faculty inventor or immediate family member has a significant financial interest;

4. procurement of materials or services from an outside entity in which the faculty member or immediate family member has a significant financial interest, if the faculty member is personally involved in or

has the ability to influence the formation or implementation of the procurement transaction; and

5. submission to an external sponsor of an application for funding of University research in the design, conduct or reporting of which a faculty member plans to participate that would reasonably appear to affect the faculty member's or immediate family member's interest in an outside entity or would reasonably appear to affect the entity's financial interests.

A faculty member who seeks funding from or who works on a project funded by an external sponsor must comply with that sponsor's additional requirements, if any, related to disclosure, management, and avoidance of conflicts of interest.

C. **Ongoing and elective disclosures.** In addition to disclosures required under Section III.B., faculty members shall disclose to the department chair (or, where applicable, head of other pertinent academic unit) or dean on an ad hoc basis current or prospective situations that are likely to raise questions of reportable conflict of interest under this Policy, including any new reportable significant financial interests, as soon as such situations become known to the faculty member. In addition, a faculty member may elect to disclose voluntarily other financial benefit to the faculty member or immediate family member, related to an existing or contemplated relationship between the University and an outside entity with which the faculty member or immediate family member is or expects to be involved, if the faculty member deems it desirable to seek review in accordance with the procedures specified in Section IV.

IV. PROCEDURES FOR REVIEW

A. Review of disclosure form; management of disclosed conflicts.

1. Faculty members shall supply the annual and ad hoc disclosures required by Section III on the annexed Disclosure Form, for confidential review by the Administration. Each dean shall forward to the Vice President a copy of the faculty disclosure forms, any related material submitted by a faculty member, and the dean's recommendation for action.

2. If the dean, with the concurrence of the Vice President, determines that the conduct disclosed is permissible under this Policy, the faculty member shall be so informed in writing. Guidance on types of conduct approved shall be provided the faculty from time to time, without identifying faculty members who received approval.

3. If the dean or the Vice President determines that the conduct may present an actual conflict of interest, or reasonably appears to present

a significant potential for such a conflict of interest, within the scope of this Policy, conditions or restrictions to manage or prohibit the conflict, agreeable to the Vice President, may be imposed. Such conditions or restrictions may include, but are not limited to: Public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or part of an externally funded research project; divestiture of significant financial interests; and severance of relationships that create actual or reasonably apparent conflicts of interest.

4. It is not the object of this Policy to discourage outside activities by faculty that present no actual or reasonably apparent conflict of interest within the scope of this Policy. Instead, the review process is designed to allow faculty members to undertake permissible activities without concern about later criticism, to provide the University accurate information about those faculty activities, and to be fair to all involved.

B. <u>Procedures for resolving disputes about conflicts</u>.

1. If a dean learns from a faculty member or otherwise of conduct the dean believes presents a significant question under this Policy, the dean should discuss the conduct with the faculty member; shall relate his or her findings to the Vice President, and subject to the concurrence of the Vice President shall advise the faculty member whether the conduct (a) is permissible under this Policy without conditions or restrictions; (b) may be undertaken subject to conditions or restrictions as described in Section IV.A.3 above; (c) or should cease, subject to further review. If the dean or Vice President determines that conditions or restrictions should be imposed, the faculty member shall, as the case may be, cease the conduct, accept the conditions or restrictions agreeable to the Vice President, or seek review of the matter by the school's Conflicts Consultation Committee.

2. Any member of the University community ("Complainant") may bring directly to the attention of a school's Committee a probative and not frivolous matter alleged to be reportable under this Policy. A faculty member whose activity has been questioned shall be entitled to know the identity of the person or persons bringing such allegations to the Committee and the full extent of the allegations.

3. A school's Conflicts Consultation Committee shall be composed of at least five faculty members of the school, elected, ordinarily annually, by the faculty of the school. The Committee's function shall be to

conduct a hearing if necessary, to make written findings about any disputed facts, and to write a reasoned recommendation as to whether the conduct entails a reportable conflict of interest under this Policy and whether the conduct may be undertaken subject to conditions or restrictions.

4. The dean, the Vice President, the Complainant or the faculty member may consult a member of the Conflicts Consultation Committee informally, with that member's consent, before the matter is referred to it, to discuss whether a given activity would entail a reportable conflict of interest under this Policy and/or what if any conditions or restrictions would be appropriate, but no such informal advice should bind any party to the process described above. The Committee member who has provided such consultation shall not participate in the hearing or decision.

5. The Vice President shall review the Committee's recommendation, confer with the Dean, and render a formal decision.

6. A faculty member dissatisfied with the Vice President's decision may appeal it to the University Conflicts Resolution Panel ("Panel"), which shall be composed of five faculty members nominated by the Faculty Senate Executive Committee in consultation with the Vice President and elected by the Faculty Senate. Members of the Panel shall ordinarily serve for staggered three-year terms.

7. The Panel shall be bound by the factual findings of the school Conflicts Consultation Committee unless in the judgment of the Panel the school Committee clearly failed to consider important facts submitted to it. Ordinarily there should be no need for a hearing before the University Panel and no augmenting of the factual record.

8. A member of the Panel from the school from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members of the Panel shall be permitted as to a matter that has been or may be brought before the Panel.

9. The Panel shall render its report to the affected faculty member, the dean, and the Vice President. The conclusion of the Panel shall be forwarded to the Administration for final disposition.

10. To the extent that conduct of faculty who are identified in Section I.D.1. is ultimately determined to be impermissible under this Policy, the Vice President may impose sanctions not inconsistent with the substantive and procedural requirements of the Faculty Code.

11. A faculty member whose conduct has been ultimately determined to be permissible under this Policy shall be insulated from school or University sanction for that conduct. However, another faculty member may not rely on an approval that addressed a different faculty member's conduct, as it may have been based on unique circumstances.

Revised draft 12/22/97

Faculty Member Financial Interest Disclosure

Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment

(Reportable financial interests are defined in Section III of the University Policy.)

Faculty Member Name: _____

Department/Unit: _____

College/Unit: _____

I have no reportable financial interest in accordance with Section III of the University Policy.

Signed: _____ Date: _____

Or: I am disclosing the following reportable financial interests under Section III of the University Policy and attach supporting documentation (in an envelope marked 'Confidential') that identifies the business enterprise or entity involved and the nature and amount of the interest:

____ Reportable salary or other payment for services.

____ Reportable equity interests.

____ Reportable intellectual property rights.

____ Reportable position in management.

____ Other reportable financial interest.

Signed: _____ Date: _____

Endorsements:

I have reviewed the financial interest disclosure and believe that it will be possible to develop and execute, prior to award if applicable, a Memorandum of Understanding to manage, reduce or eliminate any actual, potential, or apparent conflict of interest; and, therefore, I recommend that the University permit the disclosed arrangement and, if applicable, that the proposal be submitted to the agency at this time.

Additional comments:

Department/Unit Head: _____ _____
Signed Date

Additional Comments:

College Dean/Director: _____ _____
Signed Date

A RESOLUTION ON INTERDISCIPLINARY PROGRAMS (97/7) with Report

WHEREAS, the University should encourage faculty and students to explore heretofore uncharted areas of knowledge; and

WHEREAS, the establishment of interdisciplinary programs promotes cooperation among scholars in various disciplines and the exploration of new ideas; and

WHEREAS, good policy suggests that guidelines be established for interdisciplinary programs; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

(1) That the Faculty Senate supports the establishment of interdisciplinary programs through the cooperation of two or more schools or departments of the University;

(2) That faculty collaborating in the establishment and leadership of interdisciplinary programs shall be regular, active-status members of University departments or non-departmentalized schools and shall have the endorsement of their department or school to participate in such programs;

(3) That the regular, active-status faculty participating in each <u>inter-school</u> program shall constitute the Program Committee for that program, and will be evaluated for promotion and tenure by their respective departments and/or schools, in a manner consistent with the <u>Faculty Code</u>; each program Committee will report to a committee of the Deans of the participating schools that is chaired by the Associate Vice President for Research and Graduate Studies; regular active-status faculty of the Program Committee will recommend a director to the Vice President for Academic Affairs;

(4) That faculty members, other than regular active-status, who are associated with interdisciplinary programs, will be evaluated for appointment, reappointment, and promotion by the particular Program Committee and by the department and/or school in which they are appointed;

(5) That students pursuing degrees in an interschool interdisciplinary program shall be admitted and registered in the interdisciplinary program and in one of the schools of the University; admission into interdisciplinary programs shall be administered by the Program Committee and approved by the Department and/or school cooperating in the designated interdisciplinary program; the department or school representatives to each Program Committee may be delegated ~~shall have~~ signatory authority by the department and/or school to approve admissions to the interdisciplinary program; and

(6) That students in an interdisciplinary program shall, upon satisfactory completion of all requirements, be recommended for the interdisciplinary degree by the particular Program Committee, subject to approval by the faculty of the school in which they matriculate.

Committee on Appointment, Salary and Promotion Policies
November 18, 1997

Referred December 12, 1997, to the Professional Ethics and Academic Freedom Committee

Adopted, as amended, January 16, 1998

REPORT OF THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON APPOINTMENT, SALARY AND PROMOTION POLICIES

Re: Senate Resolution on Interdisciplinary Programs

This resolution responds to the need to establish general guidelines for creating, conducting, and staffing new academic programs which because of their interdisciplinary content require the cooperation of faculty in one or more departments (or non-departmentalized schools, hereinafter understood to be comprehended within the term "department").

This Resolution seeks to strike a balance between upholding the traditional and Code-protected role of departments in determining academic policy and curriculum and the autonomy and authority which interdisciplinary programs committees require to develop and establish successful programs. In addition to maintaining this balance, the Resolution seeks to enable the Program Committee with the ability to make decisions with deliberate speed.

The resolving clauses of the Resolution do not answer all questions. Nor do they foresee all eventualities. They are based on the belief that persons of goodwill joined in a common effort and supported by their departmental colleagues and chairmen will find solutions to the structural and procedural problems as they arise.

Herewith, in sequence, the Subcommittee explains "its thinking" on each of the resolving clauses:

(1) The Senate's support of interdisciplinary programs is appropriate because a number of such programs already flourish within the University. The prospect of Senate's receiving subsequent proposals, perhaps of greater complexity, suggests the propriety of its establishing general guidelines.

(2) The Subcommittee, to put it more simply, believes that full-time, not part-time, faculty should be in charge. For reasons having to do departmental priorities, however, full-time faculty should not simply volunteer, or be coerced, to "participate," but rather should have their department's freely-given and explicit approval and endorsement. The contribution of participating faculty members to the interdisciplinary programs should be appreciated as a component of their academic advancement and service to their department and the university.

(3) Once departmentally approved for "participation," full-time faculty will direct the program by their automatic membership on the Program Committee. While the latter part of this clause seems redundant (repetitive of Code language), it serves as a reminder of the department's stake in determining how much time and effort a member may devote to the program and still meet departmental criteria for promotion and tenure. The Program Committee will establish its own infrastructure and be accountable to a committee of Deans.

(4) "Other than regular active-status" refers to the part-time or adjunct faculty who will almost certainly be hired to teach specialized interdisciplinary courses. Both the Program Committee AND the Department (in which the appointment takes place) must concur in appointing, reappointing, and promoting such non-tenure-track faculty. Experience suggests that although a department and a program committee may have

differing criteria, they concur often enough in their judgments of whether an individual has met both standards as to make such differences relatively unimportant.

Some expressed their concern that an interdisciplinary program might become over-staffed with part-time faculty because it is not bound by the percentage restrictions the Code imposes on departments. The subcommittee recognizes this possibility. Article I of the Faculty Code reads, in part:". . . . nor shall any department have fewer than 50% of its regular, active-status faculty appointments either tenured or tenure-accruing." Whether the same or some other restriction should be applied to interdisciplinary programs is a matter which the subcommittee believes should be decided apart from this resolution.

(5) This clause affirms the authority of an existing School to set admission standards for, and to admit students into, an interdisciplinary program with which the School is affiliated. To put it another way, students admitted to an interdisciplinary program may or may not have a "home department," but they must have a "home school". Criteria and decisions for the admissions process should be made by the Program Committee and the respective departments/schools but the approval of admissions should be made with deliberate speed.

(6) Though it hardly needs re-phrasing, this clause says that a Program Committee may recommend a student for an interdisciplinary degree, but the "home school" must approve the Committee's recommendation.

Dr. Arnold M. Schwartz
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George Washington University Medical Center
2300 I Street, NW
Washington, DC 20037
(202)994-8804, fax(202)994-2618

This Resolution superseded by Resolution 98/7 adopted by Faculty Senate February 5, 1999, and approved by the Board of Trustees February 12, 1999.

A RESOLUTION ON TENURE BY DEFAULT (97/8) with Report

WHEREAS, the Faculty Code (IV.C.1) provides that "[t]enure shall be dependent upon professional competence . . . ," yet

WHEREAS, the Faculty Code (IV.A.3.1 c) also provides that tenure shall be automatically awarded if the University fails to notify a tenure-track faculty member in the penultimate year of the maximum term of appointment that tenure will not be granted; and

WHEREAS, it remains important that the time limits on tenure-track service not be indefinitely extended by administrative inaction; and

WHEREAS, it is also important that tenure decisions by the University continue to "normally follow faculty recommendations. Departures from this standard shall be limited to those cases involving compelling reasons . . . [with statement of] the compelling reasons therefore" (Procedures for the Implementation of the Faculty Code B 3, Faculty Code, p. 19), and that tenure accordingly not be denied by mere administrative inaction; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Code, IV.A.3.1.c) be amended to read as follows: (underlined matter added; lined-out matter deleted]

A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire in accordance with Article V, Section B, hereof. Any such faculty member who is not so notified shall ~~acquire tenure at the end of the term.~~ not be granted tenure at the end of that term, but shall be granted a one year extension of his or her appointment. If not notified by June 30 of the final year of the nonextended term of appointment that tenure will not be granted, he or she will acquire tenure at the end of the extended term.

Professional Ethics and Academic Freedom Committee
January 13, 1998

Adopted, January 16, 1998, by the Faculty Senate

EXPLANATORY STATEMENT RE TENURE BY DEFAULT

The usual procedure for granting or denying tenure at the University begins with an investigation and a recommendation by the faculty of the affected school or department, i.e., those with the most particularized expertise in the subject area. The Faculty Code provides that this recommendation will normally be followed by the Administration.[1] On occasion, however, the Administration does not concur with faculty recommendations. This is authorized, providing it gives "compelling reasons" for its nonconcurrence.[2]

In order for the unsuccessful applicant for tenure to have sufficient time to find another job, the Code requires that at least one year's notice be given that tenure will not be granted.[3] If this notice is not given in a timely manner, tenure is automatically awarded.[4] This has been termed tenure by default. It has not been common, but two such situations arguably occurred in recent years following faculty recommendations of tenure and extended administrative review prior to ultimate rejection of the recommendations.

Neither the faculty nor the administration believes that tenure by default is desirable, even when it is due to failure to obtain final administrative action in a timely way on a faculty recommendation that the candidate be given tenure. At the same time, simply eliminating the possibility of tenure by default would make it possible to convert the limited administrative authority of nonconcurrence upon showing compelling reasons into an administrative power to veto faculty recommendations providing the administration took no action and requiring disclosure of no reasons, whatsoever.

The resolution proposes a compromise, designed to address the legitimate concerns regarding tenure by default and at the same time preserving the faculty role under the Code of having the presumptive power to determine its membership. It provides that in situations of delay that presently would result in tenure by default, instead the candidate be given a one year extension of his or her contract. Only if there is inaction for an additional year could there be tenure by default. We anticipate that this would never occur, but its possibility is needed to prevent veto by inaction.

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[1]Faculty Code (FC) p. 19-20.

[2]FC p. 20.

[3]In this respect the Code follows the 1940 Statement of Principles on Academic Freedom and Tenure, developed by the American Association of University Professors and the Association of American Colleges.

[4]FC p. 6.

A RESOLUTION REGARDING THE ROLE OF THE AD HOC FACULTY COMMITTEE ON THE MOUNT VERNON CAMPUS OF THE GEORGE WASHINGTON UNIVERSITY (97/9)

WHEREAS, the Faculty Code provides that the "faculty shares with the officers of the administration the responsibility for effective operation of the departments and schools and the University as a whole." It further provides that "the regular, active-status faculty plays a role in decisions on the appointment. . .of members of the faculty. . ." and that the faculty is "entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units...." (Faculty Code, Sec. IX.A. pp.15-16); and

WHEREAS, it is desirable for both faculty and the University to avoid, whenever possible, problems before they occur; and

WHEREAS, the Executive Committee of the Faculty Senate has appointed a faculty committee to work with the administration to ensure a smooth transition for students and academic programs; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate calls upon the administration to keep this committee fully informed and to consult, in a timely manner, with the committee on faculty and programmatic plans and actions relating to the Mount Vernon campus of The George Washington University.

Executive Committee of the Faculty Senate
January 23, 1998

Adopted February 10, 1998

ad Hoc Committee members:
Prof. Linda L. Dallo
Assoc Prof. Diana Johnson
Prof. Debra R. Sheldon